



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

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Investigative Informative Case Synopsis

FILE NO: 23-0099-C

SUBJECT MATTER: Alleged false claims and negligence in the carrying out of duties by City Code Enforcement resulting in vandalism and the loss of personal property.

STATUS: Final

INVESTIGATOR: M. Santistevan

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November 28, 2023
Date of Completion

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Shawn L. Penman

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ACCOUNTABILITY IN GOVERNMENT
OVERSIGHT COMMITTEE VICE-CHAIR

December 14, 2023
Date of Approval

DISTRIBUTION:

- Honorable Mayor**
- President City Council**
- Chief Administrative Officer**
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- Director Council Services**
- City Attorney**
- Department Director**
- Members, Accountability and Government Oversight Committee**
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EXECUTIVE SUMMARY

The City of Albuquerque Office of Inspector General conducts investigations, inspections, evaluations, and reviews in accordance with AIG standards.

City Ordinance 2-17-2 states the Inspector General's goals are to (1) Conduct investigations, inspections, evaluations, and reviews in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Carry out the activities of the Office of Inspector General through independence in both fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to ensure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

In November 2023, the Office of Inspector General (OIG) initiated an investigation into the alleged false claims and negligence in the carrying out of duties by the City's Code Enforcement Division resulting in vandalism and the loss of personal property. The OIG determined that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to substantiate or not substantiate, through the collection of sufficient evidence, the allegations of false claims and negligence displayed by City Code Enforcement resulting in vandalism and the loss of personal property.

The OIG investigation revealed evidence contradictory to the allegation. The OIG was unable to substantiate the allegation of false claims and negligence in duties by City Code Enforcement resulted in vandalism and the loss of personal property.

ABBREVIATIONS

CITY: City of Albuquerque
E1: City Employee
E2: City Employee
CED: Code Enforcement Division
IDO: Integrated Development Ordinance
OIG: Office of Inspector General
RP: Reporting Party

INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque in order to safeguard and preserve public trust. Investigations, inspections, evaluations, and reviews are conducted in accordance with AIG Standards.

Complaint

Alleged false claims and negligence in the carrying out of duties by City Code Enforcement (CED) that resulted in vandalism and the loss of personal property.

Background

Property tax records reflect the Reporting Party (RP) as the property owner of record from April 2012 until May 2023. The City issued multiple citations and placed liens on this property between 2014 and 2022. Between June 29, 2022 and September 21, 2022, CED conducted inspections of this property on six (6) different occasions, noting violations and whether or not the property was secured.

SCOPE AND METHODOLOGY

Scope: Code Enforcement actions for the subject property between October 2019 and November 2023, with an emphasis on the period between June 29, 2022 through September 21, 2022.

The methodology consisted of:

- Assess complaint allegation
- Obtain and review evidence related to the allegation
- Prepare an investigation work plan
- Review the Inspector General Ordinance, Article 17
- Review the Integrated Development Ordinance (IDO)
- Search the Internet related to the events identified in the complaint
- OIG utilized software search

- Collect and review evidence or statements related to the events
- Conduct inquiries
- Contact Legal to see if there is any pending litigation
- Contact Risk Management to see if there is any pending litigation

This report was developed based on information from interviews, inspections, observations, and the OIG's review of selected documentation and records available during the investigation.

INVESTIGATION

Allegation:

Alleged false claims and negligence in the carrying out of duties by City Code Enforcement resulting in vandalism and in the loss of personal property.

Authority:

Article 17 Inspector General Ordinance

IDO

Evidence:

Posse System notes

Photographs

Liens

Analysis:

In conducting our investigation, the OIG considered the following facts as a basis for our analysis.

Article 17 provides the Office of Inspector General the authority to prevent and deter fraud, waste, and abuse through investigatory methods. Section 2-17-12 (A) states all city officials, employees, and contractors shall promptly notify the Inspector General of an instance of theft or other disappearance of cash, check, or property, misfeasance or nonfeasance, defalcation, improper governmental actions, and non-compliance with federal and state law, City ordinances and City rules and regulations of which they are aware.

The OIG applied this section of the Ordinance to determine that the allegation fell within the OIG's purview.

The Integrated Development Ordinance (IDO) sets the rules and regulations for zoning, planning, and building within City limits. Section 14-16-4 defines use regulations while Section 14-16-6 addresses the Administration and Enforcement of the IDO.

The OIG reviewed multiple liens placed on this property by the City for code violations.

The OIG obtained and reviewed photos and the Forensic Audit Report for the subject property from the POSSE system noting six (6) inspection visits between June 29, 2022 and September 21, 2022. The OIG's review revealed violations issued by CED to the property owner. The OIG noted that the property was deemed substandard in 2019. The OIG noted that CED contacted the Clean City Division, on multiple occasions, to board up the property that had been repeatedly breached by the property owner or other individuals authorized by the property owner.

The OIG noted that CED inspected the property on the following dates noting whether it was secure or unsecured and making arrangements with the Clean City Division to board up the structure where necessary.

| Date | Condition | Board Up Completed |
|--------------------|-----------------------|---------------------------|
| July 12, 2022 | Vacant and Secure | N/A |
| July 19, 2022 | Occupied and Unsecure | July 19, 2022 |
| July 28, 2022 | Vacant and Unsecure | July 29, 2022 |
| September 19, 2022 | Vacant and Secure | N/A |
| September 21, 2022 | Vacant and Secure | N/A |

CED made every effort to conduct inspections to ensure this property was vacant and secure and when it was found unsecured, CED contacted the Clean City Division for a board-up crew to secure the property.

The POSSE notes reflect that the owner was properly notified, the property was properly posted as Substandard, and the owner was provided with options and deadlines to acquire permits allowing access to the premises to acquire any personal belongings and to conduct authorized work on the property.

The OIG investigation revealed that CED followed the IDO and was able to quickly ensure the property was secure each time the property had been breached.

Conclusion:

The OIG investigation revealed evidence that does not support the allegation. Given the evidence, the OIG was not able to substantiate the allegation of false claims and negligence displayed by City Code Enforcement (CED) resulting in vandalism and the loss of personal property.